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31 December 1953

MEMORANDUM FOR: Deputy Director of Central Intelligence

SUBJECT: Application of SD-MICC Policy by CIA

1. Since August 1953, the Deputy Directors have been actively considering the utilization of State Defense-Military Information Control Committee (SD-MICC) policy in releasing CIA's non-military intelligence and information to foreign governments.

DDP and DDI Position

2. a. On 2 September, DDP and DDI jointly submitted the results of their examination (TAB A). Their conclusion was that application of SD-MICC policy is neither practical or necessary, and by definition is inappropriate to non-military intelligence and information. Their consequent recommendation was that SD-MICC policy be applied to military intelligence and information only, and that the releasability of non-military intelligence and information be determined, with the consent of the originator, by those officers of CIA who already are charged with dissemination responsibility and who must meet the terms of the President's directive of 25 May 1953 and its supplementary memorandum authorizing CIA to disseminate when there is a net advantage to the United States.

DDA Position

b. In TAB B, the DDA pointed out the advantage to CIA of utilizing the SD-MICC policy in releasing non-military intelligence and information to foreign governments inasmuch as this policy represented a combination of foreign policy considerations and current U.S. security opinion concerning the security of foreign governments. The DDA proposed that CIA dissemination officials use the SD-MICC policy and that a committee of a representative each from DDI, DDP, and DDA be established to pass upon those releases outside the scope of the SD-MICC policy.

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Approved For Release 2004/01/12 : CIA-RDP61S00750A000100120001-5

Area of Agreement Between DDP, DDI and DDA

3. You referred the DDA recommendation and the joint DDP and DDI recommendation to DDA. Subsequently DDA referred them to me. Since then DDA, DDP and DDI representatives have attempted to reach an agreed position and we can report agreement to the following degree:

a. Classified Military Intelligence and Information

(1) CIA's classified military intelligence and information is and should be subject to SD-MICC policy.

(2) The responsibility for final determination of what is military intelligence and information should rest with those officials who have disseminating responsibility under CIA regulations and in making this determination, the advice of the CIA producing office will be sought.

(3) The consent of the originator of intelligence or information is required prior to release.

(4) That the disseminator will decide whether to release military intelligence or information which is consistent with SD-MICC policy and provides a net advantage to the U.S.

(5) When an exception to SD-MICC policy is desired, the disseminator will refer the proposed release to the Director of Security who acts as CIA observer on SD-MICC, with a supporting statement regarding the net advantage which will accrue to the U.S.

b. Non-Military Intelligence and Information

(1) The net advantage to the U.S. of any dissemination to a foreign government or liaison service is determined by weighing the advantage against the security considerations.

(2) The advantage of disseminating CIA's non-military foreign intelligence and foreign intelligence information to foreign governments or nationals can best be determined by DDI or by DDP by evaluating those considerations involving the substantive importance of the intelligence or information regardless of its classification, as weighed against the quid pro quo.

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(3) Security considerations should be determined by utilizing information available to DDP (FI/STC) and DDA (D/S). The former is charged with obtaining and maintaining all intelligence and information on the security of foreign intelligence services and the latter in carrying out his Agency security policy function has knowledge of the overall security reputation of foreign governments through his participation as CIA observer on SD-MICC.

c. Participation by the Department of State

(1) The exchange of intelligence and information between the U.S. Government and various foreign governments is a form of mutual assistance conducted at arms length from motives of self-interest. It presupposes that beyond the mere urge to barter secret knowledge there are important common national interests. Familiarity with these common national interests is the only practical construction of "foreign policy guidance" as applied to the exchange of foreign intelligence and information. State's guidance in determining which interests of foreign governments coincide with U.S. interests is integral to all operations; State's active participation in determining whether a particular CIA report may be given to a particular foreign government is not necessary in order to get this guidance.

Area of Disagreement Between DDP, DDI and DDA

4. a. DDA, from an Agency security policy standpoint, recommends that responsibility for release of non-military intelligence and information to foreign governments be assigned between dissemination officials and a committee; such an assignment can be apportioned with clearly delineated areas of jurisdiction. Where unanimity of decision cannot be reached, the Committee will directly refer the matter to the DDCI with supporting papers for decision.

b. DDP and DDI contend that they cannot exercise their responsibility for exchanging intelligence and information with foreign governments and liaison services if the responsibility is shared, and that it can be borne only by whichever disseminating official is responsible for the type of liaison concerned, acting after he has obtained the consent of the originator and weighed the advantage of exchange against the security considerations.

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Conclusion

5. We have not been able to arrive at any compromise in the area of disagreement reported above. Consequently the decision between the recommendations of the DDI and DDP (2 September 1953) and the ADD/A (11 October 1953) is referred to you. Thereafter we will be able to proceed on the new dissemination regulation.

JAMES Q. REBER
Assistant Director
Intelligence Coordination

CONCUR:

Acting Deputy Director (Administration)

Deputy Director (Plans)

Deputy Director (Intelligence)

OIC: WRL/lb
cc: ADD/A
DD/P
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